

SMART THIRCE WARNED BUT WENT TO PARIS

Every Effort Made To Impress Upon Him The Danger To His Wife Of The Joyride Across Atlantic

SHUNNED BRIDE LIKE A LEPER

Physicians and Nurses Describe Young Husband Various As a Boor, Callous Husband and Tightwad

(From Sunday Advertiser.)

Rivalling in human interest the recitation of the allegations contained in the petition of Mrs. Knight, the grand mother of the Smart infant, whose custody is now being fought for between the petitioner and the father, are the affidavits which accompany it and which were filed in Judge Matthews' court last week. The affidavits supply the details of the inhuman cruelty alleged in the petition, and are signed by those who had an intimate, inside knowledge of conditions in the Smart household from the day the bride-mother first showed signs of the illness which was to carry her off until her ashes were consigned back to the earth at Waimanalo.

The first affidavit is that of Dr. F. E. Heilmann of Honolulu, who treated Mrs. Smart for pleurisy, which later, due to the exposures forced upon her by her husband, resulted in active tuberculosis and death. Doctor Heilmann was Mrs. Smart's physician after marriage and one of the physicians officiating at the birth of the first child, Richard Smart, in whose interests the sensational litigation has been launched. The physician states that prior to Mrs. Smart's departure for the Coast, on what was to be her last trip alive, she showed no clinical signs of the pleurisy from which she had been ill, but, the affidavit adds:

Plain Warning to Husband.
"Dependent, hearing however, that it was the intention of Henry Gaillard Smart, the husband of said Annie T. K. Parker Smart, to take her from Honolulu to Paris, she having at the time an infant child about seven months of age and being then pregnant and expecting another child within four months, dependent, explained to said Henry Gaillard Smart the danger of taking his wife to a place where the climatic conditions were such as dependent knew and Smart knew to exist in Paris."

"Dependent stated to said Smart, who was a man of considerable medical knowledge, far more than is ordinarily the case among persons who have not made the practice of medicine a profession, that eighty to ninety out of a hundred cases of pleurisy were tubercular in their nature; that persons with Hawaiian blood in their veins having been so afflicted were particularly subject to tuberculosis and advised and suggested to said Smart that he refrain from taking his wife to Paris until she was fully recovered."

Smart's "Expressed" Intention.
"That it was the expressed intention of Smart at this time to take his wife to California and dependent made no particular objection to this course, provided that Mrs. Smart was taken to a place in California where the climate suited her condition and where she could have the best of medical and surgical skill at her command."

Recommended Coast Physician.
"Doctor Heilmann recommended consultations with Doctor Emma K. Willets, of San Mateo, a well known physician of California, who likewise advised against the trip to Paris. Dependent which advice, Smart left in three weeks for Paris. Of this the Honolulu physician's affidavit says:

Knew Probable Effects.
"That at the time when said Smart took his wife and child to Paris, dependent, he well knew, as dependent is informed and verily believes, that she was sick and in a precarious condition from a physical standpoint, well knew the possibilities that might result from the attack of pleurisy from which she had only recently recovered, and well knew that the climatic conditions of the city to which they were going would be of such a character as to be especially injurious to a person who had any tendency toward tuberculosis, but that notwithstanding all of this knowledge the said Smart, as dependent is informed and verily believes, took his wife to Paris aforesaid and there arrived in or about the month of March, 1914."

Smart Family Tubercular.
"The dependent is well acquainted with Richard Smart whose guardianship is sought in these proceedings. That while in the City of Honolulu the said Richard Smart has been, whenever necessary, under the professional

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HENRY G. SMART—This Was His "Bridegroom Picture" Supplied the Press on Eve of His Marriage.



FIRST ROUND IN FIGHT FOR CHILD LOST BY FATHER

The first round in the fight for the custody of the minor child, Richard Smart, son of Henry G. Smart and the late Thelma Parker Smart, which has begun between Mrs. Knight, the child's grandmother, and Smart, the father, has been won by Mrs. Knight.

An order of the court, issued Thursday at Kailua, gave the care and custody of the child to Mary Ann Lamson, pending the determination of the action. The order sets March 3 as the date for a hearing before Judge Matthews, when Smart will have to show cause why the child should not be taken from him permanently.

In the meantime Smart is directed "to refrain and desist from exercising or assuming any control over said minor or removing him from or without the jurisdiction of this court, subject only to the further order of this court."

Kinney Guardian ad Litem.
This order was served upon Smart late Thursday night while on Hawaii. Another order signed by the judge made W. A. Kinney, attorney for Mrs. Knight, guardian ad litem of the child. Denies Everything.

Smart came back from Hawaii yesterday and carefully hid himself from reporters, presumably at the home of Col. Sam Parker. He was found for a minute, but the only statement he would make was a blanket denial of the sensational charges preferred against him.

"They are all untrue," he said, referring to these charges. Greatest interest attends the next step to be taken in the sensational legal fight. Should Smart file the will for probate, it is understood that Mrs. Knight is ready to wage a battle to have the instrument set aside, on the ground that it was executed by the deceased Thelma Parker Smart under conditions of undue influence.

If the proper attention was given, she could not pull out of it. But I thought that if they were going to Europe, they ought to put it off until she had proper treatment. I did not see Mrs. Smart again, but I saw Mr. Smart when he came the next afternoon by appointment.

Made No Impression.
"My impression was that I did not succeed at all in making any impression on him. That was the way it looked to me. It had no other effect than his saying that the doctors told him that he had tuberculosis ten years ago and there he was now, and that was the only answer I could get out of him. He did not dispute my statement that he had tuberculosis or say that I was mistaken. The way it looked to me was that he did not believe what I was telling him, and that he was going to take her away anyway. That was the impression I got."

"He impressed me as being intelligent, as distinguished from being dull or stupid; but the impression he left on me was that he did not believe my story. The impression left on my mind was that he questioned what I showed him in the pictures. Absolute rest in cases of that kind is the most important thing. I am absolutely all I could do to prevent him from going, without putting myself in a position where I could be charged with being officious. As I recollect it, I made it very strong, that her lungs were in bad shape and she should not go away."

Refused to Help Dying Wife.
How Smart refused to either help or comfort his dying wife is related in the affidavit of Christiana M. Kirkpatrick, a nurse who was employed during Mrs. Smart's last few days. The first day this nurse came, she said Mrs. Dozier, another nurse, were carrying Thelma from her sleeping porch to her bedroom.

"I supported Mrs. Smart," says the affidavit. "I had one hand under her knees and the other under her back, and Mrs. Dozier was supporting her head. Miss Dozier said to Mr. Smart, 'Will you support her feet?' He said, 'I cannot, I have heart trouble.' He did not have to lift any weight, but just to put his hands under her feet and support them. That was the first time I noticed him, and I had then been in the house about half an hour. I got a distinctly unfavorable impression of him, something right to his character as a man. When he spoke of having heart trouble, Mrs. Smart did not make any remark; but when we were bringing her back to her sleeping porch, she said: 'Daddy, can't you do something?' 'Her body was very sensitive and she was frightened of the movement. He was doing nothing at the time he was asked to lift her feet but just watching. He made no reply to her

remark. She was then very sick, a dying woman. When she said: 'Daddy, can't you help?' it was in the nature of an appeal to him—her eyes were large and luminous when she made it. When he made no reply there was a look on her face of pain and disappointment. It would have been a help if he had done what was asked of him. He was just to keep her feet from touching anything, because she was so sensitive, and there was no weight at all for him to carry."

"There was probably half an hour between the time Miss Dozier asked him to help when we took her from the sleeping porch to make her bed fresh, and the time when we brought her back and she made her appeal to him. I was very much surprised that he did not do anything in response to her request. I got the impression that he lacked something that is found in most normal persons. He struck me as a man lacking force of character."

Wanted Mother to Have Child.
Miss Kirkpatrick relates in her affidavit a number of small neglects on the part of Smart, each of which, however, had its effect upon the dying girl.

It was this nurse that Thelma stated that she wished her mother to have her baby. Neglected Wife for Thelma. Another affidavit is by Miss Dozier, a nurse, who had known Thelma from the time she was eight years old. Her statements tell of a series of mental cruelties inflicted by Smart upon his wife, whom, says the affidavit, he consistently neglected. On the plea that he had been told that he had tuberculosis and must be much in the open air as possible, he would rarely stay at home, but, "instead of being in the air, following his doctor's directions, he was often seen in the maternity at the Orphanum, which would be the worst thing possible for him."

Dying Wife Afraid of Him.
Mrs. Smart was afraid of her husband, says Miss Dozier. On one occasion, she, the nurse, wished to tell Smart that he should be more considerate of his wife's feelings, but Thelma asked that this report be not given. "No, Miss Dozier, please, do not," she said, "because I have several times told mother things and Gill has found it out and he has been perfectly furious."

"Mr. Smart seemed to have Thelma right under his thumb," explained the affidavit, later on in her statement. Naturally Cruel.

Referring to what Mrs. Knight alleges is the danger of leaving the baby grandson in the custody of its father, Miss Dozier says:

"I would not like to say that I think that Mr. Smart is a bad man away with the child, but I do feel that the child would be cruelly treated if left in his care. I think he would give it very little care and would discipline it very, very cruelly. I think it is his nature to be cruel and indifferent to the sufferings and rights of others."

Big Island Sportsmen Will Discuss Plans To Get More Benefit Out of Aquatics

When the annual meeting of the Hilo Yacht Club is held this month, says the Hawaii Herald, many important matters will be taken up besides the election of the officers of the organization. The bylaws will be discussed, and it is possible that some changes will be made thereon. There is also some talk of a woman's auxiliary being formed and run in the same manner as the Outrigger Club in Honolulu. This, it is felt, would be a good move, as under the present charter the ladies cannot become members. It is felt that if an auxiliary were formed, hours of certain days could be devoted to their visiting the clubhouse with their children.

One of the most important, if not absolutely the most important matter that will be taken up, is the proposition to turn the club into a real boat club and to make a start on rowing. It was with this idea that the club originated a couple of years ago. It was thought at that time that rowing would be taken up in a very short time after the formation of the club. Two years have passed, and there is no sign of any rowing being done or of a boat being purchased.

The Honolulu people thought that long ere this a Hilo crew would be in being and that the Crescent City would be represented at the annual regatta on Honolulu harbor. There was an opportunity some months ago to purchase a good barge from the Puuone Athletic Club, but some difficulty arose and the deal fell through. This is deplored by those who desire to have the club active at work in the big regatta every year.

It is felt that there are some excellent young athletes in Hilo and the country districts, and that all they need is some instruction from a competent coach. Hard training would do the rest, and then Hawaii rowmen would be seen in action every September.

A. M. Webster, who has worked hard for the Hilo club, is heartily in favor of starting the rowing game in Hilo. He declares that the club without rowing facilities is only half a club, and that it is not fulfilling its mission. The rowing game should be fostered, said the well-known sportsman, and at the annual meeting something should be done to boost the game along.

FOOTBALL PAYS AT PENN

The report of the treasurer of the University of Pennsylvania, A. A. Brown, for the season ending December, 1914, shows that football and basketball were the only sports which paid expenses. The net profits from the gridiron contests were \$43,000, while the basketball showed a profit of a little more than \$200.

RITCHIE GETTING FAT

The latest reports about Willie Ritchie, ex-lightweight champion of the world, say that he is nice and round, weighs in the vicinity of 160 pounds and keeps piling on the weight. Willie will soon be ready to cast his chances with the heavyweight class.

DEFENDANT IN STARTLING SUIT BRANDS ALL CHARGES AGAINST HIM AS UNTRUE

Husband of Late Thelma Parker, Here From Hawaii, Gives To The Advertiser First Authoritative Statement Regarding Action Brought By His Mother-In-Law In Kailua

(From Monday Advertiser.)

MAKING an appeal to the people not to pass judgment on him until he has had an opportunity to present his side of the case, Henry Gaillard Smart gave the advertiser a statement yesterday, the first one he has made for publication since the sensational suit was instituted for the custody of his child by Mrs. Elizabeth J. Knight, mother of the deceased Thelma Parker Smart.

Unfair and unwarranted he calls the accusations made against him, and asserts that they emanate from those who have always felt bitterly toward him, and who are now engaged in fighting him. He does not deny specifically any of the charges, nor does he discuss them except as a whole. At the earliest possible moment his side of the case will be presented, he said yesterday, and until that time he would have the public refrain from forming any opinion on the merits of the case.

STATEMENT MADE BY YOUNG SMART

Below is his statement as it was written and presented by him to The Advertiser yesterday. The statement shows the marks of considerable revision, which suggests that young Smart deliberated over it and weighed and tested each word with a mind on guard against making any imprudent move. This is the statement:

I was shocked and grieved when, upon landing at Honolulu, Saturday, I was confronted with the published petition and affidavits which so unfairly and unwarrantedly attacked me.

All I ask, however, is that the public will withhold its judgment and not form its opinion from statements made and inspired by those who have always had the bitterest thoughts of me, and who are now fighting me.

My side of this case, as well as my side of the will contest, shall be fully presented at the earliest moment, and the whole matter submitted to the courts. When this is done the people will be able to judge the matter fairly, and I feel that until then there should be no pre-judging of the merits of the controversy, nor do I believe there will be.

With this statement, Smart says he will remain silent so far as the public is concerned, until he appears in the circuit court at Kailua, Hawaii, to fight for the custody of his child. Incidentally, he repudiates statements published and attributed to him Saturday afternoon.

In this purported interview he was represented as saying that he contemplated hiring additional legal talent to represent him in the contest for the child and over the will.

DENIES HE WILL EMPLOY MORE COUNSEL

He gave emphatic denial yesterday to this, saying that he feels perfectly at ease with the attorneys who represent him now—Thompson, Wilder, Milverton & Lymer—and has no intention of engaging others.

The next round in the fight probably will begin when the will of Thelma Parker Smart is filed. It could not be learned yesterday when this is to be done. The filing of the will for probate may be the signal for the opening of the contest to have the testament set aside, on the allegation that it was executed when the testatrix was influenced by her husband.

AFFIDAVITS THROW LIGHT ON CONTEST

The affidavits filed in conjunction with the petition for the custody of the child throw some light on the allegations which will be made when the suit is instituted against the will. They charge wanton cruelty, and the disregard of the advice of physicians in taking his wife to Paris, and a coolness toward her in her last days. The acts of cruelty alleged are numerous and are set out at length in the affidavits.

ATTORNEY KINNEY IS DUE TODAY

Attorney W. A. Kinney is expected this morning from San Francisco by the steamer Sierra. He will represent Mrs. Knight in the legal proceedings. Mr. Kinney has been in San Francisco, it is understood, for several weeks getting affidavits from physicians and others who may be summoned here later to take the witness stand.

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MRS. MATHILDA SEXTON DIES IN SAN FRANCISCO

According to a wireless message received by her daughter, Miss Mary Sexton, who is at present nursing Mrs. George P. Cooke and baby at the Molokai ranch, Mrs. Mathilda Sexton, a resident for forty years of Honolulu, died in San Francisco at the home of her daughter, Mrs. Lawrence H. Dee, on January 8 from pneumonia, being seventy-six years of age at the time of her death.

Mrs. Sexton, affectionately known here as "Grandma" Sexton, arrived in Honolulu some fifty years ago from the old country, rounding the Horn in a sailing vessel, and nursed in the Islands for thirty-five years. During her long and useful career, she visited all the other islands and made many friends, her happy disposition winning her the love and respect of all those with whom she came in contact. She lived happily with her two daughters, Miss Mary Sexton and Mrs. L. H. Dee, for forty years in Honolulu, going to San Francisco when her married daughter removed there with her husband and children.

Mrs. Sexton made several trips to Honolulu during the last ten years. The last time she was here, she was a guest of Miss M. Johnson at the Colonial Hotel. Her presence at that time was made the occasion of several reunions of old friends.

Mourning her loss, she leaves beside her two daughters, three grandchildren, Miss Mary Dee, Miss Norah Dee and Arthur Dee.

STRICKEN WITH PARALYSIS, TEAMSTER IS WITHOUT AID

James Hughes, for many years in the employ of the depot quartermaster as a teamster, and later an employee of the Honolulu Iron Works in its warehouse, was found in a helpless condition in a lodging house near Iwilei yesterday morning. Hughes was stricken with paralysis last Friday and was unable to move or summon assistance. It was by mere chance that he was discovered yesterday by one of the lodgers, who notified the police. Hughes was taken to the Queen's Hospital for treatment.